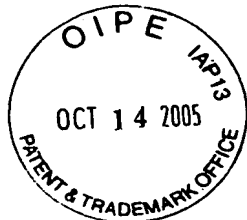


DOCKET NO: 242867US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOSHIO HASHIMOTO : EXAMINER: FLANAGAN, ALLEN J
SERIAL NO: 10/669,057 :
FILED: SEPTEMBER 24, 2003 : GROUP ART UNIT: 3753
FOR: HEAT TRANSFER ELEMENT, :
COOLING DEVICE AND ELECTRONIC
DEVICE HAVING THE ELEMENT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election of species requirement dated September 14, Applicant hereby elects the Species of Figs. 1-14, Subspecies Fig. 4-5, and Species of conductive filler material of carbon nanotubes. Claims 1-2, 7, 11, 12 and 14 read on the elected species with Claims 1, 11, 12 and 14 being generic. This election is made with traverse.

In addition to Claims 1 and 11 being generic as indicated by the Examiner, Claims 12 and 14 are also generic. Specially, Claims 12 and 14 recite in part, a fan that rotates to supply cooling air to the heat sink. A fan 18 is clearly shown and described in the specification with respect to figure 1. Further, it is respectfully submitted that the subject matter of all Claims 1-15 is sufficiently related that a thorough search for the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be performed without serious burden. MPEP §803 clearly states that "if the search and

Application No. 10/669,057

Reply to Office Action of September 14, 2005

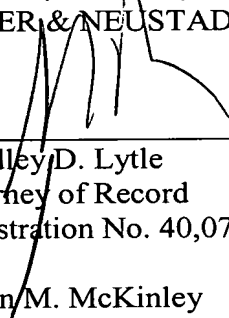
examination of the entire application can be made without serious burden, the examiner must examine it on its merits even though it includes claims to distinct or independent inventions.”

It is respectfully submitted that this policy should apply in the present application or to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Election Species Requirement and to examine all claims in this application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Robert T. Pous
Registration No. 29,099

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Kevin M. McKinley
Registration No. 43,794

I:\ATTY\KMM\PROSECUTION WORK\242867US\242867US-PROVISIONAL ELECTION.DOC